



May 2019

Discard Action Group e-alert – latest developments re the Landing Obligation and gear selectivity

<https://www.seafish.org/article/the-discard-action-group>

Shetland Policy Paper. A New Approach to Discards in Scotland. April 2019.

https://www.shetlandfishermen.com/site/assets/files/1918/sfa_pp1_-_a_new_approach_to_discards.pdf

Shetland's fishing industry is pro-active in developing proposals that will further enhance the sustainable management of stocks in sensible, practicable ways. The papers published in this section present these proposals in accessible fashion.

Implementation and enforcement of the EU landing obligation inquiry

Background

The reconvened House of Lords enquiry into the implementation of the landing obligation has focused attention on a number of interrelated questions:

- Is the new legislation being complied with?
- Is it reasonable to expect large tonnages of fish, previously discarded, to be landed?
- Has sufficient weight been given to changes in selectivity and fishing behaviours, prior to and since the full implementation of the landing obligation?
- What has the effect of the various mitigation measures been?

Despite the long lead-in time, when the Committee examined the issue in November and December 2018 they found little evidence of the landing obligation being followed to date and an almost unanimous view that the UK was not ready for full implementation. Without being able to discard fish, fishers may reach their quotas much earlier in the year – particularly in 'mixed fisheries' where it will be hard to avoid catching a species for which there may be a very low quota. The Committee heard that fishers could hit their quota for some species in some areas within a few weeks of the landing obligation coming into force, forcing them to choose between not fishing for the rest of the year (which would have serious financial implications for them) and breaking the law by continuing to fish for other species and discarding anything caught over quota. The report was published on 8 February 2019 and the Government response received 4 April 2019. The Committee is now following up on the concerns raised during its earlier inquiry,

8 May 2019.

The EU Energy and Environment Sub-Committee took evidence from fishing organisations and the British Ports Association on the impact of the EU landing obligation.

Witnesses were: Bertie Armstrong, SFF; Pete Bromley, BPA; Barrie Deas, NFFO; Jeremy Percy, NUFFTA; and Jim Pettipher, CPO. The best way to cope with quota shortages that threaten to create choke species is to revisit relative stability and change the current quota shares that the UK receives under the CFP. As well as concerns over EU quota shares, the industry representatives called for better communication with the industry, and for the MMO to manage the discards ban better for the under-10m fleet. They emphasised how much fishermen have done in terms of changing their fishing patterns and using more selective gear, to avoid unwanted catches. The general view was that the landing obligation has not had much impact so far, and that choke species had been avoided up to now. Mitigation tools such as de minimis and high survivability had been very important in preventing early chokes, as had measures agreed at the December Council. But there was concern that problems will arise later in the year, when quotas start to be used up and quota trading and transfers become more

DAG news summary. May 2019.

difficult and expensive because there will be a reluctance to let quota go, both internally and internationally.

22 May 2019.

[The Committee took evidence from the bodies responsible for enforcing fisheries legislation in England and Scotland.](#) Witness was Phil Haslam of the Marine Management Organisation. The committee asked the enforcement agencies what steps they are taking to ensure compliance with the landing obligation and what challenges they face. Also whether the agencies believe the new rules are being fully complied with, and whether they have sufficient resources to detect non-compliance. The [MMO](#) reported that since the landing obligation fully entered into force on 1 January 2019 it had carried out 93 vessel inspections. UK authorities have detected 57 'issues' around discards since the ban entered into force. The vast majority of these have been treated not as infringements of the law, but of issues needing correction; largely centered around poor data capture. Though it is called the landing obligation, there are still situations where vessels are exempt from landing every single fish they catch. Chiefly, all quota species must be landed. As of 22 May, 56 metric tons of over-quota fish have been landed by English vessels, up from 33t y-o-y -- though this was largely down to one major haul of *Nephrops*.

5 June 2019.

[The Committee will take evidence from the Minister of State for Agriculture, Fisheries and Food as part of its ongoing inquiry into the implementation of the EU landing obligation.](#) The Committee will ask the Minister about the number of exemptions to the landing obligation that have been agreed, which will make it easier for fishers to comply but reduce the impact the legislation can have on discarding. The Committee are also likely to press the Minister on how the Government is ensuring that the rules are complied with, and ask whether a lack of compliance (coupled with the various exemptions) could result in harm to fish stocks through overfishing.

News and events

[NFFO perspective: Landing Obligation: Six Months in.](#) 24 May 2019.

With many eyes are on the fishing industry this article gives a detailed and practical insight into how the new landing obligation policy is being fully integrated into the fisheries management system. The signs are, however, that the fishing industry is responding to the new incentive; improvements in selectivity and avoidance behaviours are widespread. Retailers and the larger processors, in particular, are concerned about the reputational risk associated with buying fish from fisheries in which they cannot be sure that there is not continued discarding of quota species. The article looks at how to demonstrate compliance and the risk factors; what the fishing industry has been doing in response to the introduction of the new rules; the changes in gear selectivity and fishing behaviours; highly selective gear adjusted to local conditions; the adoption of mitigation measures. There is momentum. The signs are that the fishing industry is responding to the new incentive to reduce unwanted catch; this is easier in some fisheries than others. It makes no financial or environmental sense to land large amounts of unwanted catch which go for fishmeal. The focus of the landing obligation is and should remain the reduction of unwanted catch through avoidance and selectivity. Mitigation measures have been absolutely critical in keeping the problem of chokes at bay; the second half of this year is likely to clarify whether enough has been done in this respect. Access to quota is of extreme relevance in avoiding chokes; the mechanisms, international and national, for moving unutilised quota are being kept under review.

Scottish Government response to Our Fish report. 25 April 2019.

[Fish Overboard: Did the UK Throw Away 7,500 tonnes of North Sea Cod?](#) 11 March 2019.
[Marine Scotland response.](#)

Tenders

[Applications open for an English fully documented fishery \(FDF\) scheme and include vessels fishing in the North East Nephrops fishery.](#) Applications must be submitted by 14 June 2019. 28 May 2019.

The Marine Management Organisation (MMO) is seeking applicants for two schemes in 2019. These schemes are: North Sea Fully Documented Fisheries (FDF) and North East Nephrops Net Selectivity Scheme. Fully Documented Fishery (FDF) schemes have been run by the MMO since 2011. These schemes have demonstrated the effectiveness of Remote Electronic Monitoring (REM) in reducing discards and encouraging more selective fishing behaviour. In addition, REM has proven to be a useful tool for gathering scientific data. Due to there being a preference for a UK wide approach, the MMO will not be offering Inter-Species Flexibility (ISF) as part of any English scheme this year.

Further details of these schemes can be found [here](#)

North Sea Fully Documented Fisheries FDF scheme

In return for participation in this scheme, vessels will be able to access additional quota for North Sea cod, saithe, haddock, whiting, turbot and brill. In addition, scientific quota may be available. The scheme will run from July 1st 2019 and will end on 31st December 2019. The aim of the scheme in 2019 is to demonstrate a Fully Documented Fishery and compliance with the Landing Obligation.

North East Nephrop Net Selectivity Scheme

This is a new scheme for 2019. The scheme will be open to English vessels from the sector, non-sector and under 10m fleets, fishing in the North East Nephrop fishery. All vessels, including those under 10m, will have to submit a logbook. Applicants are requested to consider improvements to their gear selectivity and to propose methods that they will use to the MMO. A number of different type of nets will be considered. Additional quota from the reserve pool for Nephrops stocks will be made available for participant vessels. There may also be scientific quota available. The scheme will run from July 1st 2019 and will end on 31st December 2019. The aim of this scheme is to: investigate the potential to reduce discard levels within the NE Nephrop fishery and encourage the use of highly selective nets to reduce the amounts of juvenile fish caught as a bycatch within the Nephrop fishery

New DiscardLess publications

[Fourth policy brief on guidelines for the implementation of the discard policy in European regions.](#) 24 May 2019.

This provides an overview of the current status, initial experiences, barriers, and opportunities with regard to applying the LO in mixed demersal fisheries in the North Sea, North Western Waters and South Western Waters, the Mediterranean and the Azores.

[Synthesis of Discards Mitigation Strategies by Case Study.](#) 24 May 2019.

This provides an overview of the various Discard Mitigation Strategies (DMS) that have been analysed and investigated in the various case studies. The DMSs are proposed and examined as case specific approaches to support the implementation of the European Landing Obligation (LO). The DMSs represent potential approaches to reduce unwanted catches through fishing gear technology (WP3) changes in fishing patterns (WP4), by finding efficient solutions for handling unavoidable unwanted onboard (WP5), and through identifying existing and novel ways to utilize unwanted catches (WP6).

[Validation of final solution\(s\) for best use of unavoidable unwanted catches \(UUC\).](#) 24 May 2019.

All the constraints relating to TACs and Minimum Conservation Reference Size have been evaluated and solutions proposed for different case studies. These deliverable deals with the pilot validation of the proposed solution for the best uses of UUC.

[Economic feasibility study for the best use of unavoidable unwanted catches \(UUC\), avoiding creating incentives to the fisheries.](#) 24 May 2019.

To have an idea of the amount of UUC landed and being ad viable for the processing industry and to get the data that can be used for making a cost-benefit analyses of the actions, many interviews were done in the three countries of Denmark, France and Spain. The overall conclusion of all the interviews is that there is nowhere a specific product is made from a single source of UUC, but the landed UUC fishes all end up in the raw-material stream of the processing industries, especially fish meal and fish oil industries.

[Report on the automatic system for by-catches quantification and classification and the battery of specific fluorescent DNA probes.](#) 24 May 2019.

This document covers two possible solutions for the identification, classification and quantification of catches. On the one hand, automatics systems for the quantification and classification of the catches has been developed and, on the other hand, fast DNA probes identification of several species has been established.

[Report on the effect of light lines on fish behaviour, and on the light line and circle hook experiments.](#) 24 May 2019.

This report demonstrates the potential of using light to improve the selective performance of gears, which if to be fully exploited requires (i) committed research support and (ii) a regulatory framework that is sufficiently flexible to accept readily new technologies and novel gears. The circle hook trials demonstrate that the J-hooks already used in the commercial longline fishery in the Azores are the most suitable hook type for the mitigation of deep-water shark bycatch.

[Report on changes in indicators of economic impact and in qualitative evaluation of potential social impact of the landing obligation over the course of the project.](#) 24 May 2019.

LO implementation was negatively criticised by fishers. To change that negative opinion you need communication about the LO using the right arguments. The results can be used by policy makers at regional, national and EU level, but also by fisheries managers and fishers' representatives as well scientists.

[Final fishery scale models and results of scenarios \(baseline, alternative management scenarios and DMS scenarios\).](#) 24 May 2019.

This deliverable presents the results of the bio-economic modelling assessments carried out. The selected scenarios firstly included, for all considered case studies, two benchmark scenarios; (i) 'Business as usual', i.e. how the economic outcome of the fishery would evolve if the Landing Obligation (LO) was not implemented, and (ii) 'Full implementation', i.e. what the predicted economic consequences for the fishery will be given a full implementation of the LO with no exemptions or mitigation measures implemented.

[Changes in fish stocks and sensitive components over the course of the project.](#) 24 May 2019.

The shift of focus from landed catches to all catches (i.e. including discards) in the current CFP has had a number of wide-ranging implications on the scientific ecological knowledge and on the ways the scientific community is providing advice on fishing opportunities.

[Final ecosystem-scale models results of scenarios \(baseline, alternative management scenarios and DMS scenarios\).](#) 23 May 2019.

DAG news summary. May 2019.

The potential consequences of implementing the EU Landing Obligation on marine ecosystems can be listed in two categories: 1. A reduction in the discard flow may lead to a food shortage for some scavenger species including birds, benthic and demersal fish and invertebrates. 2. New constraints for fishing fleets are expected to translate into changes in the exploitation (reduced fishing mortality, changes in the spatial and seasonal distribution of effort, improved selectivity having a direct effect on fish stocks.

Regulations

MMO blog. Forthcoming rule changes which will affect the fishing industry. 30 May 2019.

The Marine Management Organisation (MMO) is providing an update on the upcoming changes to fisheries regulations to enable the fishing industry to prepare. A new technical conservation regulation is due to be introduced this summer. This regulation aims to reduce the capture of juvenile fish and minimise environmental harm. The technical conservation regulation that is now in force was launched in 1998 and will be superseded by the new rules following a review last year. The new technical conservation regulation is much less prescriptive than the one it replaces. It has also been changed to take into account Landing Obligation rules. The text of the amended technical conservation regulation has now been agreed by European Member States and is expected to come into force during the summer of 2019. The MMO will be producing and promoting public guidance for fisheries affected by changes in these rules. In general, the aim is to encourage the use of more selective gears and to allow fishermen more flexibility in what gear they use. Larger regional baseline mesh sizes will be introduced. Smaller mesh sizes for certain fisheries are allowed, providing certain gear selectivity and bycatch requirements are met. The MMO will be issuing public guidance on the GOV.UK website. In addition, we will send copies of this guidance to major fishing stakeholders including producer organisations so that they can keep their members informed. At a local level, MMO officers will speak to affected fishermen and also be available to them to answer questions on the changes.

New discard plan for certain demersal fisheries. 4 June 2019.

Commission Delegated Regulation (EU) 2019/905 of 13 March 2019 amending Delegated Regulation (EU) 2018/2034 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021.

Commission Delegated Regulation (EU) 2019/906 of 13 March 2019 amending Delegated Regulation (EU) 2018/2035 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2019-2021.

Future of fisheries management in Scotland: national discussion paper. 4 March 2019. Responses by 7 June 2019.

Retaining fishing quotas and supporting a discard ban in principle are two key aspects of a Scottish Government paper on the future of fisheries. Fisheries Secretary Fergus Ewing launched the discussion document and urged those in the industry to have their say on fisheries management in Scotland. Responses and comment should be sent to Citizen Space [here](#) by 7 June 2019.

This is an amalgamation of the news alerts issued in May 2019.